



HOUSE BILL No. 5553

April 11, 2000, Introduced by Rep. Clarke and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending sections 5d and 31 (MCL 29.5d and 29.31), as amended
by 1996 PA 152.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5d. (1) The certificates specified in section 5c shall
2 be issued every 3 years by the state fire marshal after the state
3 fire marshal determines by an inspection that the firm location
4 is in satisfactory compliance with this act. The board may
5 authorize a firm specified in section 5c to conduct inspections
6 required in this section after application to the state fire
7 marshal and payment of an annual fee of \$1,000.00. Upon annual
8 determination by the state fire marshal that the firm is in
9 satisfactory compliance with this act, the state fire marshal may
10 recommend to the board that the authorization be given. This

1 authorization may be revoked by the board for cause. Firms
2 authorized to conduct inspections required in this section shall
3 be exempt from the fees provided in subsection (2). The state
4 fire marshal may review procedures utilized by the firm to assure
5 compliance with this act.

6 (2) Each firm required to be certified under section 5c
7 shall submit an installation application to the state fire
8 marshal according to rules promulgated under this act. Each firm
9 shall pay a fee of \$203.00 per tank. This fee shall be submitted
10 with the installation application to the state fire marshal. The
11 state fire marshal shall not approve an installation application
12 unless this fee has been paid as required in this subsection.
13 Payment of this fee shall waive the first annual storage tank fee
14 required in this subsection. The owner of a firm specified in
15 section 5c shall pay an annual fee of \$61.50 for each tank
16 located at each storage or filling location specified in section
17 5c. Fees required by this subsection shall be paid before the
18 issuance of a certificate when storage tanks operated by firms
19 described in section 5c are used and until such tanks are closed
20 or removed, and notification of the closure or removal is
21 received by the state fire marshal. Owners of firms described in
22 section 5c shall notify the state fire marshal of the closure or
23 removal of storage tanks within 30 days after closure or removal
24 on a form provided by the state fire marshal. Storage tanks that
25 receive crude petroleum directly from a wellhead are exempt from
26 fees under this section.

1 ~~(3) Beginning October 1, 1990, a local unit of government~~
2 ~~shall not enact or enforce a provision of an ordinance that~~
3 ~~requires a permit, license, approval, inspection, or the payment~~
4 ~~of a fee or tax for the installation, use, closure, or removal of~~
5 ~~an aboveground storage tank system.~~

6 (3) ~~(4)~~ The fees specified in subsection (2) shall be col-
7 lected and deposited into the hazardous materials storage tank
8 regulatory enforcement fund created in subsection ~~(5)~~ (4).

9 (4) ~~(5)~~ The hazardous materials storage tank regulatory
10 enforcement fund is created in the state treasury. The fund may
11 receive money as provided in this act and as otherwise provided
12 by law. The state treasurer shall direct the investment of the
13 fund. Interest and earnings of the fund shall be credited to the
14 fund. Money in the fund at the close of the fiscal year shall
15 remain in the fund and shall not revert to the general fund.
16 Money in the fund shall be used only by the department to enforce
17 this act and the rules promulgated under this act pertaining to
18 the delivery, dispensing, noncommercial transportation, or stor-
19 age of hazardous materials. If at the close of any fiscal year
20 the amount of money in the fund exceeds \$1,000,000.00, the
21 department shall not collect a fee for the following year for the
22 fund from existing storage tank systems. After the fee has been
23 suspended under this subsection, it shall only be reinstated if
24 at the close of any succeeding fiscal year, the amount of money
25 in the fund is less than \$250,000.00. The department of treasury
26 shall, before November 1 of each year, notify the department of

1 the balance in the fund at the close of the preceding fiscal
2 year.

3 Sec. 31. ~~(1) A township, city, village, or county shall~~
4 ~~not adopt or enforce an ordinance or resolution that is inconsis-~~
5 ~~tent with this act or any rule promulgated under this act.~~

6 (1) ~~(2)~~ A state agency shall not promulgate rules incon-
7 sistent with this act. This subsection does not apply to the
8 motor carrier safety act of 1963, ~~Act No. 181 of the Public Acts~~
9 ~~of 1963, being sections 480.11 to 480.21 of the Michigan Compiled~~
10 ~~Laws~~ 1963 PA 181, MCL 480.11 TO 480.22, or rules promulgated
11 under that act by the motor carrier division of the department of
12 state police.

13 (2) ~~(3)~~ As used in this section, "inconsistent" means a
14 rule or ordinance that is more permissive OR RESTRICTIVE than the
15 provisions of this act; ~~, or is more restrictive, or~~ requires
16 more action, equipment, or permits; ~~,~~ or prevents or obstructs
17 compliance with the provisions of this act.